

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE)	ADMINISTRATIVE
ORDER		
)	NO. 93-075
SPECIFIC COMPLEX LITIGATION)	
_____)	

There is extensive litigation regarding silicone gel breast implants in federal district courts across the country which have been consolidated in the "Multi-District Litigation (MDL), and in order to facilitate discovery in this complex tort litigation, Federal District Court Judge Pointer issued Order No. 5 which sets forth specific guidelines for discovery.

Approximately 50 silicone gel breast implant cases, if not more, have been or will be filed in the Pima County Superior Court by the end of 1993. Judge Robert Buchanan of the Pima County Superior Court has been and is being assigned all Pima County silicone gel breast implant litigation as the judge to preside over and coordinate only pre-trial discovery issues.

Approximately 19 such cases (see attached list) have been filed and more cases may be filed in the Maricopa County Superior Court by the end of 1993. Representatives of the plaintiffs' and defense bar agree that Judge Buchanan can and should be the judge who will preside over and coordinate pre-trial discovery issues only in the Maricopa County Litigation.

These representatives agree that the Maricopa County silicone gel breast implant cases can and should be consolidated with the Pima County silicone gel breast implant cases, and that Judge Buchanan can and should preside over and coordinate pre-trial discovery issues only in the Maricopa County cases. Judge Buchanan has agreed to preside over and coordinate Pima County and Maricopa County silicone gel breast implant litigation for pre-trial discovery issues only.

The Maricopa County cases should keep their present Maricopa County filing number.

The Maricopa County representatives of the plaintiffs and defense bar should be Kelly McDonald and Sheila Carmody, respectively, for purposes of keeping this court informed of the status of the Maricopa County silicone gel breast implant litigation pre-trial discovery, and should inform this Court of any new silicone gel breast implant case filed in Maricopa County within 10 judicial days of learning of said filing.

The representatives and their parties have agreed that all discovery in the attached list of cases should be stayed, except for certain litigation involving counsel Patrick McGroder and Sheila Carmody, who will resolve their pre-trial discovery issues.

Accordingly, and in order to promote speedy, just and efficient resolution of the silicone gel breast implant cases, particularly including pre-trial discovery issues and pre-trial case management of this litigation, it is

ORDERED that all silicone gel breast implant cases filed in the Superior Court in Maricopa County shall be consolidated with all silicone gel breast implant litigation in the Superior Court in Pima County before Judge Robert Buchanan who shall preside over and coordinate these cases for pre-trial discovery and case management issues only.

ORDERED that all discovery and other case management is hereby stayed except for certain litigation involving counsel Patrick McGroder and Sheila Carmody who shall resolve their pre-trial discovery and case management issues, and who, if unable to resolve their pre-trial discovery and case management issues, shall submit all further pre-trial discovery and case management issues to Judge Buchanan under this order.

ORDERED that counsel Kelly McDonald and Sheila Carmody shall be the representatives of the plaintiffs' and defense bar, respectively, for purposes of keeping this Court seasonably informed of the status of the breast implant litigation with respect to pre-trial discovery on a quarterly basis (January, April, July, October of each year) and shall inform this Court of any new breast implant cases filed in the Superior Court in Maricopa County not later than 10 judicial days from either counsel learning of any new case filing.

ORDERED that all Superior Court in Maricopa County cases which are subject to this order shall retain their respective Superior Court in Maricopa County numbers while assigned to Judge Buchanan in accordance with this order.

ORDERED that all pleadings, motions, documents and the like in the Maricopa County cases shall be filed with the Clerk of the Court in Maricopa County and not with the Clerk of the Court in Pima County.

ORDERED that the parties or their counsel in the Maricopa County cases shall provide Judge Buchanan copies of pleadings, motions, documents and the like relating to any pre-trial discovery or pre-trial case management issues.

ORDERED that this administrative order is effective September 29, 1993.

DONE on October 8, 1993.

C. Kimball Rose
Presiding Judge, Maricopa County

Original: Clerk of Superior Court, Maricopa County

Copies:

In Pima County:

Judge Michael Brown, Acting Presiding Judge
Judge Robert Buchanan
Sue Evans, Court Administrator
James N. Corbett, Clerk of Superior Court

In Maricopa County:

Judge Thomas Dunevant, Presiding Civil Judge
Judge Rebecca Albrecht, Associate Presiding
Judith Allen, Clerk of Superior Court
Gordon Griller, Court Administrator
Marcus Reinkensmeyer, Deputy Ct. Admin'tr
Kim Kelly, Judicial Admin'tr for Civil Department
All Civil Department Judges/Commissioners
Each Court File as indicated in attached list

Other Distribution:

All Attorneys involved in these litigations